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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UTSTARCOM, INC.,

12 Plaintiff,

13 v.

14 STARENT NETWORKS CORP.,

15 Defendant.
16

Case No.: C -04-1122 PVT

**ORDER RE MID-DEPOSITION
DISPUTE**

17 On November 30, 2005, the parties telephonically appeared, requesting this Court's
18 intervention regarding a mid-deposition dispute. The dispute centered around Deponent
19 Michael St. Louis's refusal to respond to questions regarding a business proposal between
20 UTStarcom, Inc. (UTSI) and Sprint, specifically, questions seeking information as to the names of
21 Sprint employees involved in the business proposal and the proposal-related communications which
22 occurred between UTSI and these Sprint employees. The Court notes that Mr. St. Louis, who is the
23 Director of Sales for UTSI, refused to answer these questions, despite instruction from UTSI's
24 Counsel to do so.

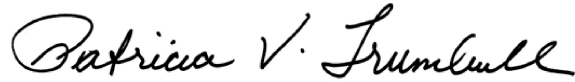
25 Mr. St. Louis asserted, as his reason for refusing to answer, the fact that UTSI and Sprint
26 executed a Non-Disclosure Agreement (NDA) relative to the business proposal. Nonetheless, the
27 Court notes that a Protective Order for Confidential Treatment of Documents, Testimony, and
28 Information as Modified was entered by the Court on December 2, 2004. In addition, UTSI may

1 seek additional protections, if necessary, for this information. Furthermore, UTSI's Counsel
2 emphatically instructed Mr. St. Louis, a UTSI executive, to answer the questions regarding the
3 business proposal.

4 For these reasons, this Court HEREBY ORDERS Mr. St. Louis to ANSWER the questions
5 regarding the business proposal between UTSI and Sprint.

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7 Dated : November 30, 2005



PATRICIA V. TRUMBULL
United States Magistrate Judge

United States District Court

For the Northern District of California